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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA,) NO. 5:21-MJ-70620-MAG
17 Plaintiff,)
18 v.) STIPULATION AND REQUEST TO VACATE
19 DANIEL BARILI,) PRELIMINARY HEARING ON JUNE 22, 2021,
20 Defendant.) SET STATUS CONFERENCE ON JULY 28, 2021,
21) AND EXCLUDE TIME UNDER THE SPEEDY
22) TRIAL ACT FROM JUNE 22, 2021 TO JULY 28,
23) 2021 AND ORDER
24)
25)
26)
27)
28)

29 The United States charged Defendant Daniel Barili with violation of 21 U.S.C. § 841(a)(1),
30 (b)(1)(B) - Possession with Intent to Distribute 50 Grams and More of Methamphetamine via criminal
31 complaint. Defendant has been arraigned on the criminal complaint and is scheduled for a preliminary
32 hearing or arraignment on June 22, 2021. Counsel for the United States and counsel for Mr. Barili now
33 jointly stipulate and request to vacate the preliminary hearing or arraignment and set a status conference
34 on July 28, 2021 at 1:00 p.m. The reason for this request is to afford the defense time to review
35 discovery and afford the parties time to investigate matters which may bear on the disposition of this
36 case.

1 The parties further stipulate and request that, under the Speedy Trial Act, the Court exclude the
2 time from June 22, 2021 to July 28, 2021 to allow for effective preparation of counsel. *See* 18 U.S.C. §
3 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by excluding
4 time from June 22, 2021 to July 28, 2021 from computation under the Speedy Trial Act outweigh the
5 best interests of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv).
6 Given the need to investigate matters bearing on disposition in this case, counsel for Mr. Barili
7 represents that good cause also exists for extending the time limits for a preliminary hearing under
8 Federal Rule of Criminal Procedure 5.1(d) and hereby consents on behalf of Mr. Barili to the requested
9 continuance, to the extensions of time for the preliminary hearing and for the 30-day time period for an
10 indictment under the Speedy Trial Act (based on the exclusions set forth above). *See* Fed. R. Crim. P.
11 5.1; 18 U.S.C. § 3161(b). Counsel for the United States likewise consents to the extensions and joins in
12 the requests.

IT IS SO STIPULATED.

STEPHANIE M. HINDS
Acting United States Attorney

Dated: June 21, 2021

/s/
MAIA T. PEREZ
Assistant United States Attorney

/s/
DEJAN GANTAR
Counsel for Defendant Daniel Barili

ORDER

Upon the stipulation of the parties, IT IS ORDERED that defendant Daniel Barili's June 22, 2021 preliminary hearing or arraignment is vacated and that a status conference be set for July 28, 2021, at 1:00 p.m.

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court finds that failing to exclude the time from June 22, 2021 until July 28, 2021 would unreasonably deny the parties reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from June 22, 2021 until July 28, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.

Therefore, with the consent of the defendant, and taking into account the public interest in the prompt disposition of criminal cases, based on the parties' showing of good cause, the Court finds good cause exists for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusions set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

With the consent of the parties, IT IS HEREBY ORDERED that the time from June 22, 2021 until July 28, 2021 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(b), 3161(h)(7)(A), (B)(iv) and the time limits for conducting a preliminary hearing are extended under Rule 5.1(d) of the Federal Rules of Criminal Procedure.

IT IS SO ORDERED.

DATED: June 21, 2021

